

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

KATHLEEN A. KELLEN,)	
)	
Plaintiff,)	4:11CV3002
)	
v.)	
)	MEMORANDUM AND ORDER
MICHAEL J. ASTRUE, Commissioner of)	
Social Security Administration,)	
)	
Defendant.)	

This matter is before the court upon Plaintiff's application for attorney fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412 (filing no. 26). Defendant has no objection to the awarding of fees and expenses in the amount of \$4,882.50, the amount requested by the plaintiff, representing 27.9 hours of attorney work at \$175.00¹ per hour.

The court has determined that Plaintiff was the prevailing party in this action, as the Commissioner's decision was reversed and matter remanded for further proceedings; that the position of the Commissioner was not substantially justified; that the application for fees was filed in a timely fashion; and that Plaintiff's net worth did not exceed \$2 million when the action was filed. Plaintiff therefore is entitled to an award of reasonable attorney fees. Accordingly,

IT IS ORDERED:

1. Plaintiff's application for attorneys fees pursuant to the Equal Access to Justice Act (filing no. 26) is granted; and
2. By separate document, the court will enter judgment for Plaintiff and against Defendant providing that Plaintiff is awarded attorney fees of \$4,882.50.

September 12, 2011.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge

¹The plaintiff requests \$175.00; an hourly rate less than the statutory maximum of \$125.00, adjusted for inflation since March 1996. Filing No. 26-4 (Ex. C).